

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KENNETH SCHIRO,	)	
	)	
Plaintiff,	)	3:10-CV-00203-RCJ(VPC)
v.	)	
	)	
STEPHEN CLARK, <i>et al.</i> ,	)	<b>ORDER</b>
	)	
Defendants.	)	
	)	

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#54) ("Recommendation") entered December 8, 2011, in which the Magistrate Judge recommends that this Court grant in part and deny in part Defendants' Partial Motion to Dismiss (#35) and grant Defendants' Motion to Strike (#46). Plaintiff filed his Objections to Magistrate Judge's Report & Recommendation (#58) on December 29, 2011 and Defendants filed a response on December 30, 2011.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#54) entered December 8, 2011, should be adopted and accepted.

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#54) entered December 8, 2011, is adopted and accepted.

IT IS FURTHER ORDERED that Defendants' Partial Motion to Dismiss (#35) Plaintiff's four claims as set forth in Count I are GRANTED IN PART and DENIED IN PART as follows:

1. Plaintiff's Eighth Amendment claims against Defendants Hegge and Chacon are barred by the statute of limitations and DISMISSED WITH PREJUDICE;

